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83D CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
2d Session } } No. 1767

PROVIDING FOR A CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

JUNE 8, 1954.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

R E P O R T

[To accompany H. R. 8754]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 8754) to provide for a continuance of civil government for the Trust Territory of the Pacific Islands, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, line 7, following the word "vested", insert the words "until June 30, 1960."

Page 2, line 11, following the word "sums", insert the words ", not in excess of \$7,500,000 per year,".

EXPLANATION OF THE BILL

The purpose of H. R. 8754 is to provide a method which will permit the continuance of civil government for the Trust Territory of the Pacific Islands.

The Trust Territory of the Pacific Islands is the ex-Japanese mandated island area now held by the United Nations and administered by the United States Government. By joint resolution dated July 18, 1947 (61 Stat. 397), the Congress authorized the President to approve the trusteeship agreement between the United States and the Security Council of the United Nations for the Trust Territory. Responsibility for civil administration of the Trust Territory was delegated to the Secretary of the Navy on an interim basis by Executive Order No. 9875 of July 18, 1947. In accordance with Executive Order 10265 dated June 29, 1951, responsibility for the civil administration of this area was transferred to the Secretary of the Interior

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effective July 1, 1951. Following Executive Order 10408 of November 10, 1952, the administration of the Islands of Saipan and Tinian was transferred for security reasons to the Department of the Navy effective January 1, 1953. Subsequently, Executive Order No. 10470, dated July 17, 1953, amended Executive Order No. 10408 to include all of the Northern Mariana Islands except the Island of Rota. Further transfer of individual islands is possible at any time at the discretion of the President.

Senate Report No. 1506, dated June 3, 1954, to accompany H. R. 8680 Interior Department appropriation bill, 1955, on page 27 states:

The budget estimate of \$5,825,000 for the Trust Territory of the Pacific Islands has been entirely disallowed. As indicated in reports on the bills for the last 2 years, an appropriation under this head would be subject to a point of order when the bill comes before the House of Representatives since organic legislation has not been enacted. The committee recognizes that some appropriation will be necessary for administration of this critical area.

Preliminary work has begun on preparation of organic legislation for the Trust Territory but it is not ready for introduction in the House of Representatives. Tentative drafts are considered to be too elaborate to be applicable in an area of such a varied and complicated social structure as is found in Micronesia. The Trust Territory encompasses an area comparable in size to the United States but has only some 60,000 persons living on 97 individual island groups having a total land area of 687 square miles. At least 10 separate and distinct languages are spoken in the area. The degree of sophistication and acculturation is markedly different between that of the central Caroline Islands and that of the northern Marianas. The administrative headquarters are in the process of being transferred from Honolulu to Guam, an unincorporated Territory of the United States, located geographically within the boundaries of the Trust Territory but politically apart.

H. R. 8754, as amended by the Committee on Interior and Insular Affairs, provides that until June 30, 1960, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize. H. R. 8754 is likewise amended to authorize an appropriation not in excess of \$7,500,000 per year to administer the Trust Territory during the 1955 fiscal year. A similar amount was authorized for fiscal 1954. This maximum figure includes funds for the islands under the administration of the Department of the Interior and the Department of the Navy.

Because of the obstacles being met in the preparation of organic legislation and of the necessity of complying promptly with the language cited above in the Interior appropriation bill, 1955, it appears necessary to pass interim continuing legislation authorizing the existing framework of government in the Trust Territory and the continuation of the present programs and activities carried on by our administration.

REPORTS OF EXECUTIVE AGENCIES

Favorable reports from the Departments of Interior, Navy, and State and set forth below:

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UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 11, 1954.

Hon. A. L. MILLER,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.*

MY DEAR DR. MILLER: This will reply further to your request for the views of this Department on H. R. 8754, a bill to provide for a continuance of civil government for the Trust Territory of the Pacific Islands.

I recommend that the bill be enacted.

The purpose of H. R. 8754 is to afford statutory authority for the continuation of civil government for the Trust Territory by providing that all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President may direct or authorize.

By joint resolution dated July 18, 1947 (61 Stat. 397), the President was authorized to approve the trusteeship agreement between the United States and the Security Council of the United Nations by which the United States became the administering authority for the Trust Territory of the Pacific Islands. Since that time, the Congress has enacted virtually no legislation having application to the Trust Territory. By Executive Order No. 9875 of July 18, 1947, there was delegated to the Secretary of the Navy authority and responsibility for civil administration, on an interim basis, but by Executive Order No. 10265 of June 29, 1951, the President transferred authority for civil administration to the Secretary of the Interior. By Executive Orders No. 10408 of November 10, 1952, and No. 10470 of July 17, 1953, jurisdiction over a portion of the Northern Marianas in the Trust Territory was restored to the Secretary of the Navy.

Although appropriations were made annually for the expenses of civil government prior to 1953, there was no legislation specifically authorizing such appropriations until the present Congress, in Public Law 229 (67 Stat. 494), authorized the continuance of civil government in the Trust Territory until June 30, 1954, and the appropriation of funds for such government. H. R. 8754 would continue this authority. Enactment of the bill would provide substantive authority for appropriations and, in addition, would give the general and broad authority for carrying on civil government functions which has been provided in the past in connection with the governments of the United States Territories of the Virgin Islands and American Samoa, prior to enactment of organic legislation.

Our experiences in connection with the civil administration of the Trust Territory have shown that there are many difficulties inherent in attempting to establish a government for the area based upon a detailed organic act. At this time it therefore appears to us that the most flexible governmental system is the wisest and most efficient. Since the authority contained in Public Law 229 of the 83d Congress, 1st session, will expire on June 30 of this year, I recommend enactment of H. R. 8754. This Department will continue to consult with the other interested departments of the Government on the question of organic legislation for the Trust Territory, and when the development of the area and the interests of its people appear to warrant it, we shall submit organic legislation to the Congress for its consideration.

The Bureau of the Budget has advised that there is no objection to the presentation of this report.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., May 11, 1954.

Hon. ARTHUR L. MILLER,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: Your request for comment on H. R. 8754, a bill to provide for a continuance of civil government for the Trust Territory of the Pacific Islands, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

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The purpose of this bill is to give statutory authority for the continuance of the civil administration of the Trust Territory of the Pacific Islands until such time as Congress may further provide for the government of the Trust Territory, and to authorize the appropriation of such sums as may be necessary to carry on that administration.

The Department of Defense concurs in this bill and would support its enactment. This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

For the Secretary of the Navy.
Sincerely yours,

IRA H. NUNN,
Rear Admiral USN,
Judge Advocate General of the Navy.

DEPARTMENT OF STATE,
Washington, May 10, 1954.

The Honorable A. L. MILLER,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. MILLER: In response to your letter of April 13, 1954, the Department of State submits the following report on H. R. 8754 which you introduced to provide for the continuance of civil government for the Trust Territory of the Pacific Islands.

The interest of the Department in the Trust Territory of the Pacific Islands arises from its status as a strategic trust territory within the scope of the International Trusteeship System provided for in chapters XII and XIII of the United Nations Charter. The United States administers the territory in accordance with the provisions of these chapters of the Charter and the terms of a trusteeship agreement with the Security Council of the United Nations. This agreement was approved by the Security Council on April 2, 1947, and by the President on July 18, 1947, acting upon authority granted by a joint resolution of the Congress (Public Law 204, 80th Cong.).

Responsibility for the administration of the Territory has been vested by the President in the Secretary of the Interior, with the exception of the Saipan District, for which administrative responsibility has been assigned to the Secretary of the Navy. The responsibility of the Secretary of State is to insure that the international obligations of the United States with respect to the Territory are fulfilled. The Department has primary responsibility for presenting the annual reports on the Territory to the Trusteeship Council of the United Nations. The Council's consideration of these reports focuses international attention on the manner in which the United States is carrying out its obligations, particularly to promote the political, economic, social, and educational advancement of the inhabitants of the Territory. It is therefore of direct interest to the Department that adequate appropriations be made by the Congress for the administration of the Territory and that there be appropriate authority for such appropriations.

United States administration of the trust territory will next be examined by the Trusteeship Council in July of this year. At that time it may be expected that questions will be asked concerning the status of organic legislation for the Territory. While H. R. 8754 does not constitute "organic legislation," it does in the Department's view represent a step forward in that it would provide continuing legislative authority for the administration of the Territory and would be fully in accord with the obligation undertaken by the United States in article 12 of the trusteeship agreement to "enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory."

While the Department continues to believe that the adoption of organic legislation for the Territory would be desirable, it would welcome the adoption of H. R. 8754 as a contribution to the fulfillment of this Government's international obligations.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

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CONCLUSION

The Committee on Interior and Insular Affairs recommends the passage of this bill in order to provide substantive authority for carrying on civil government functions which have been provided in connection with the governments of the United States Territories of the Virgin Islands and American Samoa prior to enactment of organic legislation.

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